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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,658	08/15/2000	Michael R. Hansen	WEYE115753	1795
26389	7590	10/26/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/639,658	Applicant(s) HANSEN ET AL	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55,57,58,65 and 67-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78 and 79 is/are allowed.
- 6) ☒ Claim(s) 55,57,58,65 and 67-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following is in response to the amendment filed on July 29, 2005.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 55, 57, 58, 65, and 67-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Assarsson (US 3,901,236). Assarsson discloses a hydrogel composite for absorbent articles, the composite comprising absorbent hydrogel particles (superabsorbent particles) bound to fibers. Exemplary polymeric materials for the hydrogel particles are given in column 3. The fibers may be cellulose fibers (column 4, lines 32-35). The hydrogel particles are anchored within a fibrous matrix. Materials may be added to the fibers to enhance the anchoring of the hydrogel particles thereto. See column 4, lines 40-46 and column 5, lines 43-45. These materials are effectively binder materials. See also column 7, lines 9-19 regarding additives. Possible binder materials include glycols (i.e., diols). See column 4, line 50. As for the claimed limitation of "from about 1 to 40% by weight based on the weight of the cellulose fiber" of a chemical binder, this is obvious in the teaching of Assarsson when it recommends adding other materials to the fibers. The amount of binder will vary depend on the particular type of hydrogel and on the desired absorbent properties of the final product, which depend in part on the adhesion between fiber and hydrogel. The amount of binder is within one skilled of the art as being mere routine experimentation to determine optimum results, absent evidence of unexpected results. As for the claimed diols, the use of any one of the claimed compounds

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would have been obvious to one skilled in the art, as the selection or use of adjacent homologs or subsequent subspecies of the same class (diols) is merely using equivalent material to achieve the same results, absent evidence of any unexpected results.

Allowable Subject Matter

Claims 78-79 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowed for providing a binder comprising a hydroxy acid.

Response to Arguments

Applicant's arguments filed July 29, 2005 have been fully considered.

The arguments and amendments to the claims have overcome the rejections set forth previously based on Chen (US 5,360,419).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

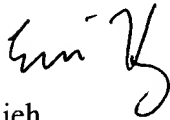
Herron et al (US 5,137,537) discloses an absorbent articles comprising hydrogel particles and crosslinked cellulose fibers (via citric acid).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh